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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE

ROBERT P. DI CIO
CLERK, U.S. DISTRICT COURT
W.D. OF TN, MEMPHIS

MORGAN & THORNBURG, INC.,

Plaintiff,

vs.

Civil Action No.: 2-05cv2109 MI/ah ✓

**M. A. MORTENSON COMPANY,
FEDERAL INSURANCE COMPANY,
and AMERICAN HOME ASSURANCE
COMPANY,**

Defendants.

JOINT

RULE 16(b) SCHEDULING ORDER

On February 7, 2005, this cause was transferred from Chancery Court of Shelby County, Tennessee to this Honorable Court. This matter is not set for trial. As directed in the Order of Transfer, and the subsequent Notice of Setting by the Honorable Judge Diane K. Vescovo, the parties hereto submit the following Joint Proposed Scheduling Order as follows:

IT IS HEREBY ORDERED that:

1. INITIAL DISCLOSURES PURSUANT TO Fed. R. Civ. P. 26(a)(1): July 8, 2005 deadline. The parties must serve and file a Notice of Service of Rule 26(a)(1) Disclosure Statement with the Court on or before July 8, 2005.
2. JOINING PARTIES: July 22, 2005 deadline. The parties must serve and file all motions for joinder of additional parties on or before July 22, 2005. If parties are joined, a copy of this Scheduling Order must be served with the

summons and additional parties shall be bound by its provisions unless modified, amended or extended by the Court *sua sponte* or by motion of parties.

3. AMENDING PLEADINGS: August 1, 2005 deadline. The parties must amend pleadings on or before August 1, 2005.
4. INITIAL MOTIONS TO DISMISS: September 1, 2005 deadline. The parties must file initial Motions to Dismiss on or before September 1, 2005.
5. COMPLETION OF PLAINTIFF'S DISCOVERY: January 6, 2006. Plaintiff must complete its discovery on or before January 6, 2006.
6. COMPLETION OF DEFENDANTS' DISCOVERY: March 1, 2006.
Defendants must complete their discovery on or before March 1, 2006.
 - (a) DOCUMENT PRODUCTION: Same as discovery deadline or at intervals during the discovery period.
 - (b) DEPOSITIONS, INTERROGATORIES AND REQUESTS FOR ADMISSIONS: Same as discovery deadline or at intervals during discovery period.
 - (c) EXPERT WITNESS DISCLOSURE (Rule 26):
 - (1) DISCLOSURE OF PLAINTIFF'S RULE 26 EXPERT INFORMATION AND EXPERT REPORTS: October 3, 2005 deadline. Plaintiff must disclose its Rule 26 expert information on or before October 3, 2005.
 - (2) DISCLOSURE OF DEFENDANTS' RULE 26 EXPERT INFORMATION AND EXPERT REPORTS: January 6, 2006

deadline. Defendants must disclose their Rule 26 expert information on or before January 6, 2006.

(3) EXPERT WITNESS DEPOSITIONS FOR PLAINTIFF: March 1, 2006 deadline. Plaintiff must complete its expert witness depositions of Defendants' experts on or before March 1, 2006.

(4) EXPERT WITNESS DEPOSITIONS FOR DEFENDANTS: January 6, 2006 deadline. Defendants must complete their expert witness depositions of Plaintiff's experts on or before January 6, 2006.

7. FILING DISPOSITIVE MOTIONS: April 3, 2006 deadline. The parties must file their dispositive motions on or before April 3, 2006. The non-movant shall be granted thirty (30) days to respond and the movant shall be granted, if the Court permits, fifteen days to reply or may request leave of Court for additional time to reply.

8. PRETRIAL ORDER: June 1, 2006 (set by presiding judge).

9. PRETRIAL CONFERENCE: June/July, 2006 (set by presiding judge).

10. JURY/NON-JURY TRIAL: June/July, 2006 (set by presiding judge).

11. LENGTH OF TRIAL: Two Weeks

Pursuant to Federal Rule of Civil Procedure 16(e), this Order shall control the Court of this action unless modified, amended or extended by a subsequent order.

WHEREFORE, PREMISES CONSIDERED the Court finds that the aforementioned dates are acceptable as submitted.

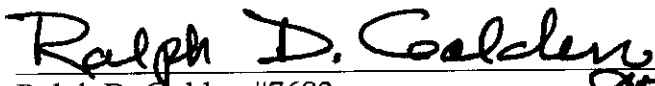
ENTERED this 22nd day of April, 2005.



DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE

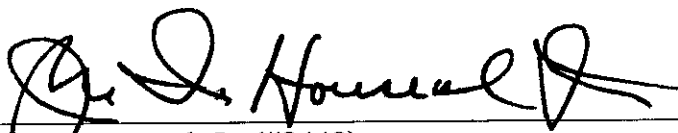
APPROVED FOR ENTRY:

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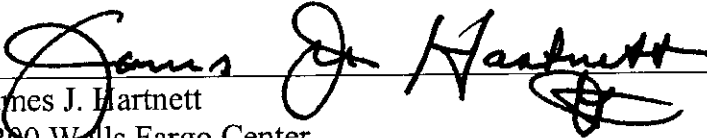
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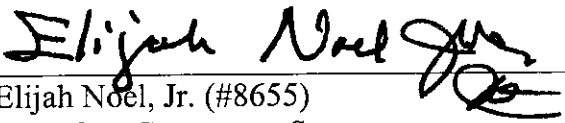
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Notice of Distribution

This notice confirms a copy of the document docketed as number 12 in case 2:05-CV-02109 was distributed by fax, mail, or direct printing on April 25, 2005 to the parties listed.

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Honorable Jon McCalla
US DISTRICT COURT